

REMARKS

Claims 1-19 are now pending in the application. Claims 1-19 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 6-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Recent Progress in Color Management and Communications (# XP 002306034). This rejection is respectfully traversed.

A rejection for obviousness must establish motivation for one of ordinary skill in the art to modify the reference, must show that the prior art provided a reasonable expectation that the modification would be successful, and must teach or suggest all of the claim limitations. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991). Even when all of the claim limitations are found in the prior art, the prior art must also provide motivation of making the specific combination now claimed. *In re Kotzab*, 55 USPQ2d 1313 (Fed. Cir. 2000).

At the outset, Applicants respectfully point out that in an obviousness determination, the Examiner must examine each claim **as a whole**. *Lear Siegler, Inc. v. Aeroquip Corp.*, 221 USPQ 1025, 1033 (Fed. Cir. 1984). Applicants' claimed invention includes specific L*, a*, and, b* values for each of the cyan, magenta, and yellow components of the four-color ink set. The Examiner appears to focus the obviousness rejection solely on the L* or luminance values of the ink set components and ignores the limitations for the a* and b* values and the inter-relationship therebetween with respect

to each of the cyan, magenta, and yellow ink components. It is not stated in the specification and it cannot be inferred from the Figures that the patentable subject matter can be made without all of the claimed values for L^* , a^* , and b^* . Applicants respectfully point out that the inclusion of the a^* and b^* value relationship in the four-color ink set as depicted in Figures 1 and 2 is intended to compare the four-color ink set with the SWOP and Hexachrome six-color processes, as stated in at least the Description of the Drawings, paragraphs [0009] to [0011]. Applicants respectfully request that each claim be examined as a whole, including the co-dependent elements (e.g., L^* , a^* , and b^*) and not as separate and disposable elements, in accordance with Applicants' teachings in the Specification.

The Recent Progress in Color Management and Communications reference does not teach or suggest Applicants' combinations of a^* and b^* values for the cyan, magenta, and yellow inks of the four-color ink set. The Recent Progress in Color Management and Communications reference teaches mathematical formulas to relate CMY dot values and $L^*a^*b^*$ values (page 62). The text, graphs, formulas, and examples provided in the reference teach or suggest altering the a^* values by at most 2.6 units and the b^* values by at most 43.3 units (page 65, Table 2). The modifications to the a^* and b^* values are presented as isolated modifications and are provided only with respect to the size of the reproduced color marking and are not provided with respect to modifications to different colors of a four-color ink set. The reference neither discloses, suggests, or otherwise indicates how to alter the a^* and b^* values relative to each other, nor does the reference disclose, suggest, or teach separate variations of

the a^* value and the b^* value for cyan, magenta, and yellow inks similar to the claimed values of Applicants invention.

If, as Examiner asserts, a skilled practitioner would modify the teachings of the Recent Progress in Color Management and Communications reference, that skilled practitioner would have to disregard the teachings of the Recent Progress in Color Management reference in by altering the a^* values greater than the taught range of 2.6 units. In particular, the a^* value would be altered by +5.2 (cyan ink, Applicants' claimed range is -41 and the Recent Progress Table 1 disclosed value is -35.9, an increase of 13%), +4.6 (magenta ink, Applicants' claimed value is 79 and the Recent Progress Table 1 disclosed value is 74.4, a decrease of 6%), and +0.4 (yellow ink, Applicants' claimed value is -7, Recent Progress Table 1 disclosed value is -6.6, an increase of 6%). The Recent Progress in Color Management and communications reference provides no guidance as to whether to increase or decrease the a^* value. Furthermore, the skilled practitioner would have to haphazardly guess how to modify the b^* values with respect to the a^* values and with respect to the color chosen (cyan, magenta, or yellow) because the Recent Progress in Color Management Communications reference does not teach modifying the b^* value relative to the a^* value or how to accommodate for modifications of the values with respect to each other. Similar to modifications of the a^* values, the skilled practitioner would have to guess whether to increase or decrease the b^* values for the cyan, magenta, and yellow ink components.

In addition to the reference not teaching or suggesting how to select the a^* or b^* values with respect to other colors in the four-color ink set to provide an expanded color gamut, the obviousness rejection is improper because the Examiner does not establish

the motivation for a skilled practitioner to modify the reference, particularly the a* and b* values with respect to each other between the four ink colors. Because the reference does not teach or suggest Applicants' invention and because no motivation to modify the reference is provided, the Examiner has not provided the prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Recent Progress in Color Management and Communications (# XP 002306034) in view of IPA Bulletin (# XP 002306035). This rejection is respectfully traversed. As stated above, the rejection of Claims 1 and 6-19 based on the Recent Progress in Color Management and Communications reference is improper. The reference teaches away from modifying the a* values by greater than about 2.6 units and also fails to disclose modifying the a* and b* values relative to each other. The addition of the IPA Bulletin reference, which the Examiner states teaches Applicants' Status T optical density, fails to remedy the shortcomings with respect to the a* and b* modifications of the Recent Progress in Color Management and Communications. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Recent Progress in Color Management and Communications (# XP 002306034) in view of Kline (U.S. Patent No. 5,656,331). This rejection is respectfully traversed. As stated above, the rejection of Claim 1 is improper based on the Recent Progress in Color Management and Communications. The reference teaches away from modifying the a* values by greater than about 2.6 units and also fails to disclose modifying the a* and b*

values relative to each other. The addition of the Kline reference, which the Examiner states teaches the use of heat set, cold set, and fluorescent inks, does not remedy the shortcomings with respect to the a* and b* modifications of the Recent Progress in Color Management and Communications. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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